

ADDITIONAL FEE:

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R E M A R K S

The Office Action issued July 24, 2008, has been received and its contents have been carefully considered.

The applicants, Harald Sieke and Martin Sieke, wish to thank the Examiner in charge of this application, Edward F. Landrum, and his supervisor, Boyer D. Ashley, for the courtesy and cooperation they extended the applicants' undersigned attorney during the personal interview kindly granted on June 6, 2008. During this interview, applicants' attorney demonstrated a prototype of the wiper blade cutting device of the invention which included means, similar to that shown in Fig. 23 and described on page 13 of this application, for measuring the cutting depth of the cutting unit. Applicant also presented a proposed amended claim 34 which deleted the term "surround," objected to in the outstanding Office Action, and substituted language that more particularly defined the purpose and position of the "second wiper blade guide."

A detailed discussion of the following prior art references ensued: Wessels, Freeland, Diebold, Metzel, Wustenberg, Heffner and Fotter.

Applicants' attorney also noted the obvious differences between the present invention and Tarpill, which relates to a cable stripper, not a wiper blade cutter and accordingly has a cutting blade and cable guide arranged differently than in the device of the present invention.

As a result of this discussion it was determined that the best way to distinguish over the prior art would be to include language in claim 34 defining the measuring device shown in Fig. 23 and described on page 13. The Examiners indicated that they would consider favorably such an amendment, as none of the references disclosed similar structure.

Accordingly, claim 34 has been amended both in the manner presented to the Examiners at the interview and to include an additional element; namely:

"means for measuring the depth of cut, whereby the desired depth of cut on the wiper blade may be set prior to cutting."

Applicants have thus defined the additional element in "means plus function" terms as expressly permitted under

Section 112, paragraph 6, of the Patent Law. Pursuant to this Section of the Law, this "means" is to be interpreted to cover "the corresponding structure, material, or acts described in the specification and equivalents thereof."

As pointed out in their Remarks in applicants' prior Amendment, to applicants' knowledge there is no known device for cutting the lip of a used wiper blade that really works and provides good results. The devices known in the art all produce an inaccurate and uneven cut of the wiper blade lip. This is caused by inadequate guidance of the wiper blade and its lip.

There is also no known wiper blade cutting device that has a cutting depth measuring device equivalent to that of the present invention and now recited in claim 34.

All of the pending claims of this application have been rejected under 35 USC §102 over the German Patent No. 29 806 561.7 to Wessels, and under 35 USC §103 over Wessels in view of the U.S. Patent No. 5,848,471 to Freeland; the German Patent No. 4,110,799 to Diebold and the U.S. Patent No. 6,581,291 to Tarpill. It is believed that claim 34, as presently amended, distinguishes patentably over all of these references.

The patent to Wessels discloses a "cutting device for renewing used wiper blades" having a spring element 4, mounted on the base plate 2, for guiding and stabilizing the wiper blade lip 3 as it passes over the cutting blade 1. This spring element is required to exert substantial pressure in order to provide sufficient guidance to the wiper blade lip. This results in friction that produces an inaccurate and uneven cutting surface. If the spring pressure exerted by the spring element were reduced to avoid unwanted pressure to the wiper blade, the spring element could no longer guarantee precise guidance of the wiper blade, resulting again in an inaccurate and uneven cut.

Claim 34 has now been amended to define the "second wiper blade guide" as follows:

"...a second wiper blade guide disposed in the cutting plane and forming a fixed width channel adapted to support and guide on both sides of the lip of the wiper blade during cutting..."

Wessels teaches that the "second wiper blade guide" (the guide adjacent the lip of the blade) should have a spring-loaded variable width for proper guidance of the wiper blade. As recited in claim 34, the present invention provides a second wiper blade guide with a fixed width

channel. Experiments have shown that such a fixed width channel is extremely important for the successful cutting of a wiper blade.

In addition, Wessels fails to teach or suggest any means, similar or equivalent to that of the present invention, for measuring the depth of cut on the wiper blade in advance of the cutting operation.

The U.S. patent to Freeland discloses a "windshield wiper reconditioning device" which is usable with only one particular type of windshield wiper blade.

As may be seen in Fig. 1, Freeland's device includes a single guide 50 which is specifically shaped, in profile, to accept only one type of windshield wiper blade. The large contact surfaces of this guide, formed by the flanks of the guide on both sides of the wiper blade, can result in binding or rubbing of the wiper blade, for example, if it is not completely clean, during the cutting operation. Such rubbing would result in vibration that would negatively affect the cutting and cause the windshield wiper blade, when trimmed, to perform poorly.

In order to remedy the fact that his device is designed for only one type of wiper blade, Freeland states, in Column 4, last paragraph:

" In another embodiment (not shown), a plurality of channels extend through the body of the conditioning device. Each channel is defined by a separate pair of opposing guide surfaces so that each channel has a distinct cross-sectional profile... The cross-sectional profiles are selected to receive different types of wiper blades. Thus, the reconditioning device may be a universal device able to accommodate different types of wiper blades with different cross-sectional shapes and sizes."

Thus, in order to accommodate different types of wiper blades, Freeland must provide additional channels, with a separate cutting blade for each, for each different wiper blade type.

The present invention, on the other hand, is operative to trim any type of wiper blade, with a straight, sharp-edged cut, without the possibility of vibration. This is accomplished by providing two separate wiper blade guides, which are adjustable with respect to each other. The first wiper guide retains an upper portion of the wiper blade while the second wiper guide, forming a part of the cutting unit, retains the lower edge. The cutting unit itself is

adjustable in position with respect to the first wiper guide.

As is now recited in claim 34, the wiper blade trimming device of the present invention also includes a device for measuring the depth of cut. The "wiper blade reconditioning device" of Freeland has no such mechanism.

As discussed at the interview, the German patent to Diebold is possibly the most relevant reference to applicants' claimed invention. Diebold discloses an "edge cutter for rubber blades of windshield wipers" having a "first wiper blade guide" 2 and a "second wiper blade guide" 12. With this device, the second guide is placed above the lip of the wiper blade and is not part of the "cutting unit" as in the case of the present invention. For this reason, this second guide cannot provide proper and sufficient guidance of the lip for the wiper blade during the cutting process. In addition, the second guide consists of two guidance elements that are manually adjustable (not fixed, as in the case of the present invention) in order to allow for different wiper blades with different thicknesses. Without considerable experience, it is difficult to separately adjust the two guide elements in such a manner

that the lip of the wiper blade is properly centered, not distorted, not compressed or too loosely guided. Any one of these conditions would result in jamming or an inferior cut.

Furthermore, Diebold also fails to teach or suggest any means, similar or equivalent to that of the present invention, for measuring the depth of cut.

The patent to Tarpill was discussed at length in applicant's prior Amendment. Suffice it to say that Tarpill discloses a device for slitting and stripping a cable, rather than for cutting wiper blades. Tarpill's device does not provide a "first guide" and a "second guide", both of which are necessary to guide a wiper blade in the manner required to provide a sufficiently even cutting surface.

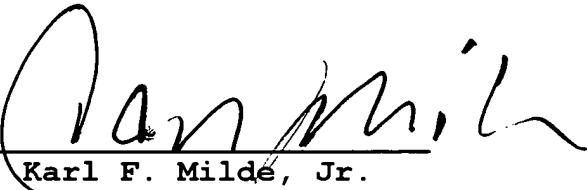
The remaining references cited by the Examiner in the outstanding Office Action -- namely, the U.S. patents and patent publications to Plana, Nguyen, Samuelsson, Faggiotto, Ducret, Danter, Matthews, Belling, Fabian and Carney et al. -- have been carefully reviewed but are believed to be even less relevant to the present invention than the references discussed above.

In conclusion, therefore, it is believed that claim 34, as amended, distinguishes patentably over all the prior art

references cited and applied by the Examiner. Since claim 34 is the only independent claim remaining in this application, and all the remaining, pending claims are dependent therefrom, this application is believed to be in condition for immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.

Respectfully submitted,

By


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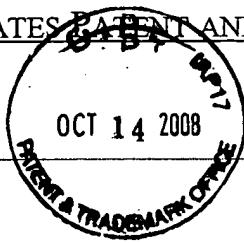
on AUGUST 27, 2008

By MILDE & HOFFBERG, LLP

Date AUGUST 27, 2008



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Box 224

Application No.:	10/528,400	Date Mailed:	10/01/2008
First Named Inventor:	Sieke, Haral,	Examiner:	LANDRUM, EDWARD F
Attorney Docket No.:	AP051-05	Art Unit:	3724
Confirmation No.:	5010	Filing Date:	03/17/2005

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Compliant Amendment
(37 CFR 1.121)

OCT 14 2008

Application No.
10/528,400

Applicant(s)
SIEKE ET AL.

Art Unit
3724

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 29 August, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /ROZENIA HARMON/

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